

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard Hodges,

Plaintiff,

vs.

LTD Broadband LLC,

Defendant.

Case No. _____

Complaint

Jury Trial Demanded

Comes now Plaintiff Richard Hodges, and for his Complaint, herein states and alleges:

PARTIES

1. Plaintiff Richard Hodges (“Plaintiff”) is an individual who resides in Chisago County, Minnesota.

2. Based on information and belief, Defendant LTD Broadband LLC (hereinafter “LTD”) is a foreign corporation with a principal place of business at 69 Teahouse Street, Las Vegas, Nevada 89138.

JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1), in that this is a civil action between a citizen of Minnesota and a Nevada corporation and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

VENUE

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), in that a substantial part of the events or omissions giving rise to the claim occurred in this district.

GENERAL ALLEGATIONS

5. On or about November 14, 2018, Plaintiff was injured in a motor vehicle collision (“crash”) involving his 1999 Freightliner semi and a 2003 Chevrolet Astro Van.

6. The crash occurred at the intersection of Highway 5 and 441st Avenue in Dryden Township, County of Sibley, State of Minnesota.

7. At the time of the crash, the 2003 Chevrolet Astro Van was owned by Defendant LTD.

8. At the time of the crash, the 2003 Chevrolet Astro Van was operated by Brandon Wiersgalla (“Wiersgalla”).

9. At the time of the crash, Wiersgalla was employed by Defendant LTD.

10. At the time of the crash, Wiersgalla was operating the 2003 Chevrolet Astro Van in the course and scope of his employment for Defendant LTD.

11. Based on information and belief, on or about November 14, 2018, at approximately 2:03 PM, Plaintiff Richard Hodges was driving his 1999 Freightliner semi eastbound on Highway 5 near the intersection of 441st Avenue in Dryden Township, County of Sibley, State of Minnesota.

12. At that time and place, Brandon Wiersgalla was operating a 2003 Chevrolet Astro Van southbound on 441st Avenue.

13. Stop signs halt northbound and southbound traffic at the intersection of 441st Avenue and Highway 5.

14. There are no stops signs for eastbound and westbound traffic at the intersection of 441st Avenue and Highway 5.

15. Wiersgalla was speeding as he approached the intersection of 441st Avenue and Highway 5.

16. Wiersgalla failed to stop at the stop sign at the intersection of 441st Avenue and Highway 5.

17. Wiersgalla accelerated through the stop sign at the intersection of 441st Avenue and Highway 5.

18. Wiersgalla failed to yield the right of way when he failed to stop at, and then accelerated through, the stop sign at the intersection of 441st Avenue and Highway 5.

19. Wiersgalla's failure to stop at the stop sign caused the crash with the 1999 Freightliner semi operated by Plaintiff Richard Hodges.

COUNT I – NEGLIGENCE – RESPONDEAT SUPERIOR

20. Plaintiff re-alleges paragraphs 1-19 of the Complaint as if re-alleged in full.

21. At the time of the crash, Wiersgalla was operating the 2003 Astro Van in the course and scope of his employment for Defendant LTD.

22. Wiersgalla had a duty to operate the Astro Van with due care.

23. Wiersgalla breached his duty to drive with due care by failing to exercise due care in his operation of the Astro Van.

24. Wiersgalla breached his duty to drive with due care by failing to stop at the stop sign at the intersection of 441st Avenue and Highway 5.

25. Wiersgalla breached his duty to drive with due care by speeding as he neared and drove through the intersection of 441st Avenue and Highway 5.

26. Wiersgalla breached his duty to drive with due care by and accelerating through the intersection of 441st Avenue and Highway 5, instead of stopping at the stop sign and yielding for oncoming traffic.

27. Wiersgalla's actions directly and proximately caused the crash with Plaintiff's Freightliner semi.

28. Wiersgalla's negligence directly and proximately caused the crash with Plaintiff's Freightliner semi.

29. As a direct and proximate result of Wiersgalla's negligence, Plaintiff suffered serious injuries.

30. As a direct and proximate result of Wiersgalla's negligence, Plaintiff incurred past medical expenses, and suffered past pain, suffering, disability, disfigurement, and emotional distress.

31. As a direct and proximate result of Wiersgalla's negligence, Plaintiff will incur future medical expenses and loss of earning capacity, and will suffer future pain, suffering, disability, disfigurement, and emotional distress.

32. Defendant LTD is vicariously liable for the negligence of Wiersgalla, pursuant to Minnesota Statute § 169.09, subd. 5a because, at the time of the crash,

Wiersgalla was an agent of, and in the course and scope of his employment with Defendant LTD.

33. Defendant LTD is vicariously liable for Plaintiff's injuries because Wiersgalla negligently operated the 2003 Chevrolet Astro Van on November 14, 2018, and caused Plaintiff's injuries.

WHEREFORE, Plaintiff Richard Hodges prays for judgment against the Defendant as follows:

1. In an amount greater than Seventy-Five Thousand and no/100 (\$75,000.00) Dollars on behalf of Plaintiff; and
2. Any other relief that this Court deems appropriate.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 1, 2021

/s/ Eric G. Iverson
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